

ESTTA Tracking number: **ESTTA504176**Filing date: **11/07/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Daon Holdings Limited		
Entity	Cayman Islands Limited Company	Citizenship	Cayman Islands
Address	PO Box 692 GT Grand Cayman, CAYMAN ISLANDS		

Attorney information	Lawrence E. Laubscher, Jr. Laubscher & Laubscher, PC 1160 Spa Road Annapolis, MD 21403 UNITED STATES llaubscher@laubscherlaw.com Phone:410-280-6608
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Applicant Information

Application No	77449229	Publication date	10/16/2012
Opposition Filing Date	11/07/2012	Opposition Period Ends	11/15/2012
Applicant	Orbital Architects, LLC 2232 S. Main Street, Ste. 433 Ann Arbor, MI 48103 UNITED STATES		

Goods/Services Affected by Opposition


Class 009. First Use: 2007/08/07 First Use In Commerce: 2007/08/07 All goods and services in the class are opposed, namely: Computer storage devices, namely, blank flash drives; Computer software and hardware for storage and retrieval of medical and personal information from a USB drive; Downloadable software for interactive storage and retrieval of medical, personal and legal information from a USB drive; Medical software for interactive storage and retrieval of medical information for first responder access from a USB drive; USB (universal serial bus) hardware

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4166109	Application Date	12/10/2007
Registration Date	07/03/2012	Foreign Priority Date	06/19/2007

Word Mark	IDENTITYPAL
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: computer software for authentication purposes by means of storage of biometric features and comparison of the stored features</p> <p>Class 042. First use: authentication technology services using biometric features for storage on a computer network</p> <p>Class 045. First use: providing user authentication services using biometric features stored on a computer network</p>

Attachments	<p>77347669#TMSN.jpeg (1 page)(bytes)</p> <p>opp statement 2012-11-07.pdf (1 page)(28248 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/l/ljr/
Name	Lawrence E. Laubscher, Jr.
Date	11/07/2012

Opposer claims priority of a European Community trademark registration filed June 19, 2007 which is prior to the August 7, 2007 date of first use alleged by Applicant. Accordingly, Opposer has priority.

Upon information and belief, the goods offered by Applicant under the mark IDENTITYPAL are related to the goods offered by Opposer under its IDENTITYPAL mark and will be used by the same end users as Opposer's goods.

Applicant's IDENTITYPAL mark so resembles Opposer's IDENTITYPAL mark as to be likely to cause confusion, mistake or deception under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

If Applicant's mark is registered, Applicant will receive a prima facie nationwide exclusive right to use its confusingly similar mark in commerce and, as such, it would be damaging to Opposer.

WHEREFOR, Opposer prays that the opposition be sustained and that the mark of application serial number 77/449,229 be refused registration.